

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

1. BEA HAZLEY,)
vs. Plaintiff,)
vs.) Case No. CIV-21-377-R
1. DOLLAR TREE,)
Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Dollar Tree Stores, Inc. (“Defendant”) submits this Notice of Removal of *Bae Hazley v. Dollar Tree*, filed in the District Court of the State of Oklahoma, County of Oklahoma, Case No. CJ-2020-5019, on the grounds that this Court has original jurisdiction under 28 U.S.C. §§ 1332 and 1441 *et seq.*, complete diversity of citizenship exists between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

BACKGROUND

1. The removed case is a personal injury action filed on October 20, 2020 in the District Court of Oklahoma County, Oklahoma. *See* Petition, attached hereto as Exhibit 1.
2. On April 2, 2021, Defendant was served by certified mail. A copy of the Summons is attached hereto as Exhibit 2.
3. Pursuant to 28 U.S.C. § 1446(A) and LCvR 81.2, a copy of the docket sheet is attached hereto as Exhibit 3.

REMOVAL IS TIMELY

4. This Notice of Removal is timely, as it is being filed on April ___, 2021, within 30 days after Defendant first received service of a Summons and the Petition setting forth the alleged claims for relief upon which this action or proceeding is based. *See* 28 U.S.C. § 1446(b).

**THIS COURT HAS SUBJECT MATTER JURISDICTION
UNDER 28 U.S.C. § 1332 – DIVERSITY OF CITIZENSHIP**

5. Removal under 28 U.S.C. § 1441 *et seq.* is appropriate because this case is an action over which this Court would have original jurisdiction pursuant to 28 U.S.C. § 1332; the amount in controversy exceeds \$75,000.00, exclusive of interest and costs; and complete diversity of citizenship exists between Plaintiff and Defendant. *See* 28 U.S.C. §§ 1332 and 1441.

6. The United States District Court for the Western District of Oklahoma includes the county in which the state court action is now pending (Oklahoma County). Thus, removal to this Court is appropriate. *See* 28 U.S.C. § 1446(a).

THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00

7. The jurisdictional amount in controversy is satisfied in that Plaintiff specifically pled that she seeks damages in the amount “in excess of Seventy-Five Thousand Dollars (\$75,000).” *See* Petition, Exhibit 1, ¶ 4.

**COMPLETE DIVERSITY OF CITIZENSHIP EXISTS
BETWEEN PLAINTIFF AND DEFENDANT**

8. Diversity of citizenship is determined by the citizenship of all properly joined parties as of the date of the filing of the original Petition.

9. At the time of filing this action and at the present time, and upon information and belief, Plaintiff was and is a citizen of the State of Oklahoma.

10. Defendant is a Virginia corporation with a principal place of business located in Chesapeake, Virginia. Therefore, Defendant is a citizen of Virginia for the purposes of diversity jurisdiction. *See* 28 U.S.C. § 1332(c).

11. Thus, at the time Plaintiff's Petition was filed, Defendant was a citizen of a state other than Oklahoma. *See* 28 U.S.C. § 1332(c)(1). Accordingly, complete diversity exists.

NOTICE GIVEN

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff through her counsel of record. Further, notice of the filing of this Notice of Removal has been sent to the court clerk for the District Court of Oklahoma County, Oklahoma.

JURY DEMAND

13. Defendant hereby demands a trial by jury for this matter.

PRESERVATION OF RIGHTS

14. By removing this action to this Court, Defendant does not waive any defenses, objections or motions available to it under state or federal law. Defendant expressly reserves the right to move for dismissal of Plaintiff's claims pursuant to Rule 12 of the Federal Rules of Civil Procedure.

15. If any question arises as to the propriety of this removal, Defendant requests the opportunity to conduct discovery or brief any disputed issues and present oral argument

in support of its position that this civil action is properly removable. *See McPhail v. Deere & Co.*, 529 F.3d 947, 954 (10th Cir. 2008).

WHEREFORE, based on the foregoing, Defendant Dollar Tree Stores, Inc. gives notice that the above-captioned matter is hereby removed to the United States District Court for the Western District of Oklahoma, and hereby requests that this Court retain jurisdiction for all further proceedings herein.

s/Andrew M. Bowman

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ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.

CERTIFICATE OF SERVICE

[X] I hereby certify that on this 21st day of April, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Attorneys for Plaintiff

s/Andrew M. Bowman

Andrew M. Bowman